

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEO MCKAYE # 180515,

Plaintiff,

No. 05-CV-73968-DT

vs.

Hon. Gerald E. Rosen

SHERRY BURT,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT**

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on April 23, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter having come before the Court on the January 11, 2008 Report and Recommendation of United States Magistrate Judge R. Steven Whalen recommending that the Court dismiss Plaintiff's Complaint in its entirety, due to the death of the plaintiff and the expiration of the deadline for filing a motion for substitution; and no timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, this case should be dismissed in its entirety; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of January 11, 2008 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Plaintiff's Complaint is, accordingly, DISMISSED in its entirety without prejudice.

s/Gerald E. Rosen
United States District Judge

Dated: April 23, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 23, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager